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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/540,200  | 01/30/2006  | Klaus Schafer        | SCHAFER             | 8072             |
| 20151   | 7590        | 07/25/2006           | EXAMINER            |                  |
| HENRY M FEIEREISEN, LLC<br>350 FIFTH AVENUE<br>SUITE 4714<br>NEW YORK, NY 10118 |             |                      |                     | NGUYEN, CHAUN    |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2831                |                  |

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/540,200             | SCHAFFER ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Chau N. Nguyen         | 2831                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 June 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,5,6,8-10 and 14-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,5,6,8-10 and 14-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                      | Paper No(s)/Mail Date: _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 9, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Walling (2001/0030055).

Walling discloses a stranded conductor (Figures 3-4) for forming an electric conductor, comprising an arrangement of several mutually parallel and/or twisted filaments in random disposition (the strands not being placed in any particular order), an insulation surrounding an exterior circumference of the arrangement of filaments and being applied around the arrangement by extrusion, and an elastic, extruded filling material (402) which is made of a material different from a material of the insulation and is placed between the filaments (re claim 1). Walling also discloses the insulation applied by extrusion filling at least partially interstices between the filaments (re claim 6). Claims 9, 14 and 15 are method counterparts of claims 1 and 6. Noted that the stranded conductor of Walling can be used for a

winding in an electric machine since it has excellent electrical properties and since it has been held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 5, 8, 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (4,104,480).

Thompson discloses a stranded conductor (Figure 1) for forming an electric conductor, comprising an arrangement of several mutually parallel and/or twisted filaments in random disposition, an insulation surrounding an exterior circumference of the arrangement of filaments, and an elastic filling material (52) which is made of a material different from a material of the insulation and is placed between the filaments (re claim 1). Thompson also discloses the filling material having a predetermined electrical conductivity (re claim 5) and an outer conductive layer to form an exterior corona shielding in the absence of an end corona shielding (re claim 8). Claims 9, 16 and 17 are method counterparts of claims 1, 5 and 8.

Thompson does not disclose the insulation being applied around the arrangement by extrusion, the filling material being extruded, nor the outer conducting layer being formed by co-extrusion. However, it would have been obvious to one skilled in the art to form the insulation layer, the filling material and the outer conducting layer of Thompson using extrusion or co-extrusion methods

respectively since these methods are well-known in the art for being used in making electrical cables.

6. Claims 1, 2, 9, 10, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glew (WO 00/60721) in Thompson.

Glew discloses a stranded conductor (Figures 2-4) for forming an electric conductor, comprising an arrangement of several mutually parallel and/or twisted filaments in random disposition, an insulation surrounding an exterior circumference of the arrangement of filaments and being applied around the arrangement of the filaments by extrusion. Glew also discloses the stranded conductor having a rectangular shape (re claims 2 and 10) and the insulation satisfying the requirements of a primary insulation at least one portions of the exterior circumference about the arrangement of filaments (re claim 19).

Glew does not disclose an elastic filling material which is made of a material different from a material of the insulation and is placed between the filaments (re claims 1, 9 and 18). Thompson discloses a stranded conductor comprising an arrangement of several filaments, an insulation surrounding the arrangement, and an elastic filling material (52) which is made of a material different from a material of the insulation and is placed between the filaments. It would have been obvious

to one skilled in the art to fill the arrangement of Glew with the filling material as taught by Thompson to prevent moisture from traveling along the interior of the arrangement (the cable core).

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 9, and 18 have been considered but are moot in view of the new ground(s) of rejection except for the following.

Regarding the Walling reference, applicant argues that the strands in the conductor are arranged in an orderly fashion. This argument is not found persuasive. The conductor of Walling comprises six strands, and it is known that when six strands are being bundled together, there would be one strand in the center. Walling does not disclose the strands should be arranged in orderly fashion.

***Summary***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chau N Nguyen  
Primary Examiner  
Art Unit 2831

NEW SHEET

approved

CN

7/19/02

FIG 4

